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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,445	01/08/2002	Jorg Schwarzbich	344/1/047	5911

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EXAMINER

RODRIGUEZ, RUTH C

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,445

Applicant(s)

SCHWARZBICH, JORG

Examiner

Ruth C. Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 08 January 2002 has been considered for this Office Action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1, 5, 9, 10, 16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Bertalot (US 3,887,155).

A telescopic mechanism (1,2,3) comprises an internal element (2,3), an external element (1,2) and roll barrels (18). The internal element has a flattening at least on one side (Figs. 1-3). The external element is complementary to the internal element (Figs. 1-3). The roll barrels guide the internal element in the external element, the roll barrels roll at the flattening (Figs. 1-3) and at least some of the roll barrels are constructed as hollow bodies (Fig. 4).

Bertalot also discloses that:

The internal element has a polygonal external cross section and forms several flattenings that support in each case a set of the hollow bodies at a corresponding flattening of an inner cross section of the external element (Figs. 1-3).

The telescopic mechanism further comprises a cage (12,13,14,15) that holds the hollow bodies and fills a space between the internal element and the external element with little clearance and forms a boundary for deformation of an external section of the hollow bodies (Figs. 1-4).

The hollow bodies are hollow cylinders (Fig. 4).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertalot in view of Lennon et al. (US 5,345,679).

Bertalot discloses that the cage forms several thickened section that in each case are assigned to a flattening of the internal element and accommodate a set of hollow bodies and are connected with one another by cross members (22). Bertalot fails to disclose that the cross member connecting the thickened sections is flexible. However, Lennon teaches a cage (34) for bearings (32) made from a plastic sleeve blank provided with flexible cross members (60). The flexible cross members made to assure that the cage conforms to the shaped of the between the inner element (18) and the outer element (20) (C. 3, L. 53-51). Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to have the flexible

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cross members taught by Lennon in the cage disclosed by Bertalot. Doing so, conforms the shape of the cage to the shaped of the between the inner element and the outer element.

The cage taught by Lennon is an injection-molded part (C. 2, L. 50-57) that is produced as a stretched tape and is bent at the cross members into a shape corresponding to the external cross section of the internal element (Figs. 1-3F).

6. Claims 2-4, 14, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertalot in view of British Patent Document GB 530,342.

Bertalot discloses a telescopic mechanism as described above for the rejection of claim 1. Bertalot fails to disclose that the hollow bodies are helical springs. However, British Patent Document GB 530, 342 (GB '342) teaches the use of helical springs as bearings. The helical springs used as bearings are very useful because they are flexible and when assuming the oval shape they reduce possible indentations (P. 2, L. 33-38). Therefore, it would have being obvious to one having ordinary skill in the art at the time of applicant's invention to have the helical springs taught by GB '342 in the mechanism disclosed by Bertalot. Doing so, provides great flexibility and when assuming the oval shape they reduce possible indentations.

GB '342 also teaches that:

The helical springs are tensile springs having coils that lie against one another on block in an unstressed state (P. 3, L. 25-29).

The helical springs are formed from a spring steel with a rectangular cross section (P. 3m L. 25-29 and Figure 4).

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A solid cylindrical roll (20) that supports the inner surface of the hollow body with clearance limits elastic deformation of an outer cross section of the hollow body and is inserted into at least one of the hollow bodies (Fig. 4).

7. Claims 6-8 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Bertalot in view of Wells (US 1,617,613).

Bertalot discloses a telescopic mechanism as described above for the rejection of claim 1. Bertalot fails to disclose that the hollow cylinders are formed by a rolled-up blank such that ends of the blank abut one another with formation of a seam. However, Wells teaches how hollow cylinders (20) can be made of by a rolled-up blank such that the ends of the blank abut one another with formation of a seam. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to have hollow cylinders made of by a rolled-up blank such that the ends of the blank abut one another with formation of a seam as taught by Wells in the mechanism of Bertalot. Doing so, is known in the art as taught by Wells.

The seam extends obliquely to an axis of the respective hollow cylinder (Fig. 6).

The seam extends around the respective hollow cylinder at least once (Figs. 1-6).

A solid cylindrical roll (18) that supports the inner surface of the hollow body with clearance limits elastic deformation of an outer cross section of the hollow body and is inserted into at least one of the hollow bodies (Figs. 1 and 2).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is included in Form PTO 892-References cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (703) 308-1881. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115.

Submissions of your responses by facsimile transmission are encouraged. Technology center 3600's facsimile number for before final communications is (703) 872-9326. Technology center 3600's facsimile number for after final communications is (703) 872-9327. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase the patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as PTO's mailroom processing and delivery time. For a complete list of correspondence **not** permitted by facsimile transmission, see MPEP § 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee that the applicant is paying by check **should not be** submitted by facsimile transmission separately from the check.

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Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP § 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to
the Patent and Trademark Office (Fax No. (703) 872-9326) on ____ (Date) ____.

(Typed or printed name of person signing this certificate)


(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP § 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response has been transmitted by facsimile will cause further unnecessary delays in the processing of your application, duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

rcr
April 21, 2003


ROBERT J. SANDY
PRIMARY EXAMINER